

# **Lincoln Planning Board**

## **Special Meeting**

**May 9, 2007**

**7:00 p.m.**

**Approved**

**A special meeting of the Planning Board was held on Wednesday, May 9, 2007, at the Town Hall, 100 Old River Road, Lincoln RI.**

**Chairman Mancini called the meeting to order at 7:10 p.m. The following members were present: Michael Reilly, Kenneth Bostic, John Hunt, and John Mancini. Joining later was Fred Ordenez.**

**Absent were Gerald Olean and Gregory Mercurio.**

**Also present were Town Planner Albert Ranaldi, Town Engineer N. Kim Wiegand, and Town Solicitor Anthony DeSisto. Candice Larson kept the minutes.**

**Chairman John Mancini advised four members present, have quorum.**

## **SECRETARY'S REPORT**

**There was not a Secretary's Report available for approval.**

## **COMPREHENSIVE PERMIT**

**a. Chamberland Subdivision  
Comprehensive Permit Review**

**AP 37 Lot 14**

**Ruth M. Chamberland**

**Sayles Hill Rd.**

**Discussion/Approval**

**Mr. Mancini stated that the Public Hearing for the Chamberland Subdivision was at the previous Planning Board meeting. One of the issues was getting the minutes of the Zoning Board's advisory consideration for the comprehensive permit, and the Planning Board wanted to look at that first before making the decision on the comprehensive permit.**

**Mr. Ranaldi stated that at the previous Planning Board meeting, there were six conditions of approval for the comprehensive permit. The TRC did not find any additional concerns for this application, and recommends approval with conditions. The conditions are: The proposed driveway enlargement must be constructed to direct runoff away from the abutting garage and into a new dry well between the houses; an excavation permit would be required to cut and remove existing curbing and replace it with granite curb returns; the existing sewer connections must be separated for each of the proposed lots for health and safety reasons and the new lot must retain its own sewer connection; the public service would also have to be separated in the building and upgraded to include a new backflow preventor and pressure-reducing valve; service at 115 and 117 Central Street must**

also replace the meter, which is provided free to the owner; one of the recommendations is that the final plan be reviewed and approved by the administrative officer. Therefore, there are five conditions and one recommendation.

Mr. Mancini asked if there were any other questions of Mr. Ranaldi, and noted that the Planning Board was present to vote on the comprehensive permit.

Attorney John Shekarchi for the applicant noted that the applicant was present to answer any questions. Mr. Mancini asked if the applicant has any concerns, and cautioned the Board that in order to approve the comprehensive permit, all four members present would have to vote in favor of it, and noted that all had a copy of the Zoning Board recommendations to the Planning Board. There were no concerns, stipulations, or exceptions from the Zoning Board.

Mr. Reilly made a motion to approve the comprehensive permit per the TRC recommendation with conditions, seconded by Mr. Bostic. The motion passed unanimously.

Mr. Reilly made a motion that the final approval of the project be given to the administrative officer. Mr. Hunt seconded the motion. The motion passed unanimously.

Mr. Mancini asked that the record show that the Planning Board

**accepted the Zoning Board's advisory as part of the meeting packet.**

## **MAJOR SUBDIVISION REVIEW**

**a. Great Rd. Estates (a.k.a. Meadow View)      AP 29 Lot 3      Public  
Hearing – 7:15 pm**

**Meridian Real Estate Services, Inc.      Great Road      Preliminary  
Plan Discussion/Approval**

**Chairman Mancini noted that the Planning Board was present for a public hearing to consider approval of the preliminary plan for a major subdivision of Great Rd. Estates.**

**The abutters list was read, and the following were present:**

**James W. & Joyce Bethel   1115 Great Rd.**

**Barbara E. & David A. Smith Sr.   10 Whalen Dr.**

**Arthur A. & Irene Jacques   1143 Great Rd.**

**Manuel J. & Patricia A. Vincente   1100 Great Rd.**

**Jane Ingle, Trustee   1 Wilbur Rd.**

**Daniel, Jeffrey, and Anita Hall   1124 Great Rd.**

**Daniel & Kathleen Hall   1120 Great Rd.**

**Mr. Mancini asked if anyone present felt that they were an abutter and had not been called. There were none.**

**Chairman Mancini explained the process for public hearing.**

**Mr. Ranaldi stated that this application is a preliminary plan public hearing and/or approval. It received a certificate of completeness on March 12, 2007. The Planning Board has until July 10, 2007 to make a decision. The TRC has reviewed it, and the Planning Board and Town Engineer have had a tour of the site. This is a proposal of 14 single family residential lots. The property is zoned RS-20. The proposal is a two cul-de-sac road off of Great Rd. The applicant has submitted several reports analyzing the project and has received a Rhode Island DEM wetlands approval, which found insignificant alteration. The additional permit needed would be from NBC for sewer connections, which could be a condition going forward, and Lincoln Water Commission have given their preliminary approval for the design of looping the water. The issues with the project have been: traffic, and the applicant has provided a traffic analysis report which specifies center line striping along Wilbur Rd., 2 signs reading “Curb Warning” and “Intersection Ahead”, removal of a cedar tree near pole 153 on Great Rd., selective grading and clearing within the right of way along the frontage of 3 of the proposed lots; drainage is also a concern, and the Town Engineer has reviewed the project extensively and determined that the project works and looks forward to seeing the project through.**

**Chairman Mancini noted that the Planning Board had just taken a site tour of the property, and asked the Town Engineer to summarize the project.**

**Ms. Wiegand noted that the lower portion of the land has areas that are very wet. The applicant did a number of test pits which will be used going forward. There will be no basements placed into the high ground water because there is nowhere to subdrain the water. To the best of engineering knowledge, it is designed to mitigate the flow of water from the site. The houses are raised up, the road coming off of Great Rd. is raised up, the houses should drain towards the road which has a storm water collection system diverting the water into a retention basin, which will meter the water out into the two wetlands in the southern and southwest corner. The project, if approved, will require careful attention to the construction because of the amount of fill.**

**Mr. Mancini asked if there were any other questions of the Planning Board.**

**Mr. Bill Landry, Partner at Litch and Cavanaugh in Providence, noted that he has been with this project from the beginning, and noted that it has been about 2 years since the Board approved the master plan. He stated that there had been a lot of time spent at the master plan level working on the design elements, including how many lots should be on the property, and there were extensive calculations on the developable land area. The applicant began with a request of 16 lots, but agreed to use the Planning Board's interpretation. There are now 14 requested lots, and it was noted that the Town expressed its interest not to have a lot of development along the 1500 ft. of road**

frontage on Great Rd. The applicant purchased the property with the assumption that there would be many road front lots available. The applicant had agreed to put in a road and have a 30 foot conservation restriction, with no building or cutting but more landscaping. There were then meetings on the best way to have roads, or have the development off of Great Rd and the Planning Board worked with them. In August of 2005, the concept of 14 lots was approved and no changes have been made to the key planning elements of the proposal since. Len Bradley and DiPrete Engineering have gone on to engineer the concept and have it approved, including by DEM for wetlands. The applicant is looking to have the conservation restriction substitute for a dedication of open space land.

Mr. Len Bradley stated that there were a number of conditions for the master plan, which were evolved from the history of the site and in working with Public Works and Sewer. One of the concerns was that there would be no pump stations for the sewer, and the engineers have designed a system and roadways that accommodate that request. There was a stipulation that none of the foundations be placed into the water table, and the engineers have also accommodated that request which was discussed at the site walk. The applicant also had DEM view the site to verify the wetland edge before starting the detailed engineering designs to make sure that they agreed with them, and DEM issued an edge verification. The applicant also conducted a soil evaluation, because it is a known high water table site, and the soil scientists certified by the DEM conduct

tests to verify soil conditions and where the water tables to ensure that the house foundations would stay out of the water table. The applicant did have a few meetings with Town Engineering and Planning to solicit feedback on the design, and Mr. Bradley thanked the Town for working with the applicant on the project.

As Mr. Landry stated, the layout of the roadway, as approved by the master plan, had an entrance off of Great Rd. approximately 300 ft. up from the intersection with Wilbur Rd. There was discussion about where it should be because abutters were concerned about water runoff, so they had to look at other places with good site distance and it was moved along Great Rd. where adequate site distance is in either direction. As in the TRC minutes, there are stipulations with the traffic report including striping, maintained clearing so that cars can see up the hill to Great Rd. to the North to see other cars. Also, as Mr. Landry stated, there was discussion as to the cul-de-sac and how it orients the lots. It is designed with a 30-foot conservation easement the length of Great Rd. with no driveways but only a roadway connected and a water line which would loop through and come out at the top side of the site. All of the homes have been designed with sewer and no injector pumps or pump stations. They will all be out of the table, and each home site was tested and there will be no subdrains.

A lot of fill is being brought in, and Mr. Bradley stated that he wanted to be sure that no water is moved to another site. The roadway system has been designed with a water line, a drain line and a sewer line within the right of way. The front yard of each of the homes will

be graded so that it slopes to the roadway, and in doing that any of the runoff from the top of the roofs from the front of the yard to the driveway would be collected in the storm drainage system which will then be routed into a retention pond. The retention pond is also above the water table, and essentially they are building a berm around the basin, because of the amount of the fill needed, and it will blend in nicely with each of the home sites. The basin is being placed at the low side of the site, at the southerly extent of the property. There were two wetlands that were delineated on the property. One is at the corner of Wilbur Rd. and Great Rd. next to the Bethel property, which is an isolated wetland and has been verified by DEM. There is also another wetland that runs along the property line which has also been verified by DEM. Due to the size of that wetland, a 50-foot perimeter wetland that extends off of the edge, which is a buffer of a regulated area that DEM views as wetlands and the developer cannot go into, the developers are pushed more than 50 feet away from the wetlands. Based on the way the site drains today, some of the water goes to the easterly wetlands and some goes to the southeasterly wetlands and the developer must match that under DEM regulations because they do not want the wetlands to dry up and do not want flooding. The retention pond has been designed to delicately balance the amount of water between both wetlands to meet the towns' requirements and state requirements for no increase in runoff to abutters' property.

Some of the neighbors are very concerned with drainage and flooding problems that they currently have, and the developer by state and

local law cannot make their situations worse which is why the plans have to be engineered and reviewed. The developer has even taken attempts to make the situation better, and have been very conscious of the issues that the people have and have tried to alleviate that.

The developers have laid out a limit of work, approved by DEM which marks a point that they will not go beyond when constructing, and it is clearly marked on the plans. The wetlands on the southeasterly corner will stay exactly as it is today because DEM will not allow the developer to touch anything in that area. On the south side of the property where the retention basin is, there are a few things that the developer has done with the design of the basin that go above and beyond what is normally required. The berm of the basin is specified to be compacted to 90% which is almost as dense as a roadway, and also it will be lined with an impermeable membrane, at the request of the Town Engineer. It will then be vegetated with loom and seed and grown naturally so that it looks natural. There is also a diversion berm along the southern side of the property and the Bethel property because they are at a lower point, which will ensure that any water that runs across the site will not remain on the abutter's property. Along the limit of work along Great Rd. at the back side of the 30-foot conservation easement, there is a lot of dead and undesirable vegetation, and the developer would like to go in and beautify it and do some additional planting.

The drainage network is a very simple drainage design. The catch basin will be connected to solid pipes which will run down the street and into the retention pond. The retention pond at its deepest point is

4 feet, and if there were a storm that filled it with 3 feet of water it would drain out in about 24 hours. There is a permanent pool that would remain for 36-72 hours which would allow any sediments in the storm water to settle out and the water quality would be improved. If there had been no rain, it would look like a normal grass slope. The water line on the property comes off of Great Rd. and runs along the easterly edge of the pavement, turns to go up the cul-de-sac and ends up behind the water line. Mr. Bradley has met with Mr. Sale and the Lincoln Water Commission and they have given a letter stating that the water line is acceptable. The sewer line will run down the center of the road and because of the ledge and shallow sewer will go to the edge of Great Rd. and tie in to a line that will go up the cul-de-sac, and there will be no pump station. This has been submitted to DEM for a preliminary determination application and it was approved as an insignificant alteration which has been recorded into the land evidence records and provided as part of the application. There were traffic studies as a part of the master plan which was also submitted as part of the application. From an engineering standpoint, Mr. Bradley felt that the plan has gone beyond what is required at this level and have addressed every concern brought forth by the Planning Board, the planning staff and engineering staff, and the abutters in trying to develop and design a project that everyone can be happy with.

Mr. Bradley stated that he had covered all of the technical issues and that he would be more than happy to answer any questions.

**Chairman Mancini thanked Len Bradley for his presentation, and opened up the public hearing portion of the meeting.**

**Mr. John LeClair, of 1096 Great Rd., stated that he has been a resident of Lincoln for 15 years, and really appreciates what Lincoln has given himself and his family as it is a wonderful place to live. Mr. LeClair noted that in all of the meetings that he has attended regarding the development, he has not heard anything about the fact that Great Rd. is a very historic road and feels that it would be irresponsible of the Planning Board not to consider the fact that on Great Rd. there are several historic houses and Great Rd. is the character of Lincoln, which is why the historic houses are being restored and he is concerned that it is not being considered in the development. Mr. LeClair stated that Mr. Mancini said at a previous meeting that the Planning Board looks for developments to complement the neighborhood, and he does not see where this development complements the neighborhood.**

**Mr. LeClair stated that he also has a practical argument is concern about drainage, and although Mr. Bradley has done his due diligence with DEM, and Mr. LeClair has a lot of experience with DEM because of his low-lying property and having to do his own basic drainage and insignificant alterations. Mr. LeClair has a flooding problem and has shared some photographs with the Town Engineer. When there are 1 ½ - 2 inches of rain the road is flooded and goes over the temporary berm. The problem with this is when the rain goes off of the street and he gets a stream across his lawn. He has been fixing the problem**

himself and will be putting a new lawn in and is concerned that every time it rains, his property will be flooded. This is an existing condition, but his concern is that even with best intentions, any problem with storm water will cause problems on his property and on the Bethel property and also street flooding. There is poor drainage at the bottom of Anna Sayles Rd., and the diversion going into the stream is not adequate as well as the berm does not work. Homeowners also will take the liberty of taking the 50-foot buffer from the wetlands and making it smaller to have a bigger property making the water have to go somewhere.

Chairman Mancini stated that historically, the only things that are protected are buildings and houses, and there are many roads in Lincoln, and in New England, that are historic streets. The Planning Board needs to adhere to state regulations primarily, that protect homeowners and developers, so unless there are stipulations that nothing can be built on Great Rd. or any other road, they have the opportunity to build.

As Mr. Landry previously stated, the Planning Board reviewed the project two years ago and knowing that it was a historic area, they talked the developer into keeping the lots off of Great Rd. even though they could have submitted a plan with lots on the road which, based on state law they might have had no choice but to approve it. Also, not only were the Planning Board concerned, but they had to take into consideration the concerns of the abutters and the appearance of the area.

The plan meets all subdivision requirements, the Planning Boards' requirements, State Law, and DEM has approved it. Mr. Mancini noted that the Planning Board has to depend on DEM for its decisions and had a presentation by DEM about developments and seems to be very concerned when approving land for building. Mr. Mancini noted that DiPrete Engineering, the Planning Board, the Town Engineer and Town Planner have worked diligently to come up with a plan that is the best that can be done. Mr. Mancini noted that the Planning Board cannot arbitrarily deny a development that meets all requirements because they simply don't want more developments in an area.

Mr. Mancini noted that the development has gone through the master plan of approval, which is the most important step because it tells where the house sites will go, and where the sewer and drainage is going to go. Mr. Mancini noted that Mr. LeClair has valid points, but all the developer is required to do is to not increase the water flow in the area and the Planning Board has to make sure that the problem is not made worse, and there are the Town Engineers and others that enforce the work that is being done.

Mr. LeClair stated that the Anna Sayles project had the same premise, where they have gone through due diligence and there was a detention in a DEM wetland area that would be sufficient and that there would be no additional water problems, and it is not the case because the DEM space is overflowing during heavy rain storms and the water goes on to Anna Sayles Rd.

Mr. Mancini asked what the alternative would be to the development as planned. Mr. LeClair recommended putting a curbstone on the

**bottom of Anna Sayles to increase the drainage.**

**The Town Engineer, N. Kim Wiegand stated that there is a low point in the road which would require DEM approval to fix the drainage.**

**Mr. LeClair stated that the water is being diverted with berms and asphalt into the stream and he wanted another drain.**

**Mr. Mancini noted that the issue of the water from Anna Sayles is a separate issue that maybe the Town Engineer can speak with Public Works Director John MacQueen about it and seek approval from DEM to make the drainage there better.**

**Mr. Mancini stated that he would personally raise the issue with Mr. MacQueen.**

**Mr. Bostic stated that the problem is not with the new houses themselves, because they are off of the main road and still allow Great Rd. to have the rolling hill effect.**

**Mr. Arthur Jacques of 1143 Great Rd. asked how wide the cul-de-sacs that would be built with the development would be. Mr. Bradley noted that the diameter of the pavement is 45 feet.**

**Mr. Ranaldi noted that there is no on-street parking on Great Rd., and that the road and cul-de-sac meet the Town requirements, and at 60 feet, the right of way is larger than the required 50 feet.**

**Ms. D'Amore of 4 Meeting House Rd. stated that she wrote a letter to submit regarding the consolidated impact in the area that includes Rt. 116, Anna Sayles Rd., Partridge Dr. and Wilbur Rd.**

**Mr. Mancini asked if Ms. D'Amore wanted to, for the purpose of the public, to read the letter. Ms. D'Amore declined, and stated that she would summarize the letter. Her concern is that the Planning Board is looking at the project as a single entity and not as a consolidated project. There are many impacts to the property, not only the individuals who live on Great Rd. but it will also eventually affect Chase Farm. The Anna Sayles project that was done a few years ago has had a tremendous impact on the individuals that live on Whalen Dr., and the extra water drains to Anna Sayles, so once some of the vegetation is cleared, there will be more water to deal with. On the Rt. 116 project, the trees were removed from the front of the property and there is already flooding with only 4 trees removed from the area.**

**Mr. Mancini submitted the letter from Ms. D'Amore as Exhibit I.**

**Mr. Dan Bethel of 12 Wilbur Rd. stated that the project is going to be detrimental to a lot of individuals, and noted that Mr. LeClair was speaking of a holding pond that is overflowing. If you look at Butterfly Estates, geographically it is about the same and there is no place for the water to go because the holding pond overflows, even for a while after a major rain. Mr. Bethel is concerned that by putting the developments in the water will be displaced, and that the Town needs to begin looking at the whole picture and future and he was concerned even though the project looks good on paper.**

**Mr. Mancini stated that the concept is supposed to work, and in most cases it does. The retention pond will be taken care of by the property**

owners because it will be on one property and a homeowners' association will be created.

Ms. Pat Choiniere, of 1132 Great Rd. and Chairperson of the Valentine Whitman House stated that the historical aspects of the development have been addressed as the original proposal had 5 houses on Great Rd., and there is a 30-foot buffer for conservation, and she asked how the landscaping would help the historical significance, specifically the stone walls. Ms. Choiniere knows that the project will have an impact on the community, and wanted to know how the buffer area would be beautified and made appealing. Ms. Choiniere also stated that the Whitman name should be honored with the development by the two road names.

Mr. Mancini stated that the Planning Board does not have anything to do with naming.

Mr. Bradley noted that there are two purposes for the 30-foot buffer: The main purpose was to prevent any of the homes to have frontage on Great Rd. and the other purpose was to try to beautify the landscape. Meridian Real Estate has hired a landscape architect and they have a plan for that stretch, which has been submitted as part of the application. The proposal is to keep the evergreens on Lot 10, and as you move south on Great Rd., more evergreens will be planted including White Pines, Red Cedar, Spruce, and Fir as a mixture. The proposal will also include a slit rail fence, and there would be stone walls.

Ms. Choiniere asked if the developers would maintain the stone wall

that is there. Mr. Bradley stated that the plan is to not change anything with the stone wall, and are not rebuilding it. Ms. Choiniere asked who will maintain the vegetation if it should die. Mr. Bradley noted that it will be private property, and it could be an issue for the homeowners' association.

Ms. Choiniere stated that stone walls should not be dismantled or taken away because they are original boundaries on land.

Mr. Mancini noted that if a stone wall is not a lot boundary, and developer wanted to remove a stone wall, they would be able to.

Mr. Landry noted that a developer would not want to remove a stone wall unless they needed to.

Ms. Trish Vincente of 1100 Great Rd. stated that she continually sees wild animals in the area and that as developments go up, they are more and more displaced from their natural habitats, and she asked the Planning Board to seriously consider the wildlife when putting up more developments.

Gayle McDonald of 1128 Great Rd. stated that her concern is the overdevelopment of Lincoln and the repercussions. Ms. McDonald wondered if the developers and planners would be available if there were problems with the development in the future.

Mr. Mancini noted that the Planning Board has more of a statistical task in the sense that they do not make decisions on what they feel is the right thing to do, they look at documentation, regulations, plans,

and zoning and have to adhere to the regulations which are stringent.

Mr. Reilly made a motion to close the public hearing, seconded by John Hunt.

The motion passed by unanimous vote.

Mr. Mancini asked if there were any further questions for Mr. Ranaldi, Ms. Wiegand, Mr. Landry or Mr. Bradley.

Mr. Ranaldi stated that it has been brought to his attention that the plan for the development has three phases, which does not meet the town's requirements in the fact that if some of the lots are built first, they would not be recordable because the rest is not developed. Mr. Ranaldi noted that the concern is the recording of the final plan. The Town expects that the entire public infrastructure be installed and certified as being designed correctly.

Mr. Landry stated that the goal was to build part of the lots, and have a temporary cul-de-sac. Mr. Ranaldi asked how the looped water line would be handled. It would have to be done.

Mr. Ranaldi stated that the Town would have to examine the phase plan more closely.

Mr. Mancini noted that the Planning Board has until July 10th to act upon the project.

**The next meeting of the Planning Board will be on May 23rd.**

**Mr. Reilly made a motion to defer the development to the next regularly scheduled meeting of the Planning Board, seconded by John Hunt. The motion passed by unanimous vote.**

**Ms. Wiegand stated that if part of the development is done, it wouldn't be so much a DEM issue, but a detention basin for the entire project would have to be completed whether or not the project is completed, and the town can deal with temporary cul-de-sacs as long as they are bonded to give the full amount to finish the cul-de-sac if necessary.**

**Ms. Wiegand noted that on the plans, she did not see a right of way easement for the water line and she would like to find out how the Water Department would feel about a cross-country water line because most of it is under the roadway. Most of the fill is on the southern side of the project.**

**Mr. Ranaldi stated that now that the plan is shown in phases, the Planning Department will have to reexamine the plan.**

**Mr. DeSisto agreed, stating that Mr. Ranaldi's legal standpoint is correct.**

**There being no further business to discuss, on a motion made by Mr. Reilly and seconded by Mr. Hunt, it was unanimously voted to adjourn the first special meeting.**

**The meeting adjourned at 8:42 p.m.**

**Respectfully Submitted,**

**Candice Larson**